## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION No. 5:07-HC-2209-D

UNITED STATES OF AMERICA,	)	
	)	
Petitioner,	)	
	)	
v.	)	ORDER
	)	
LARRY WALKER,	)	
Register Number 13964-001,	)	
	)	
Respondent.	)	

On November 20, 2007, the government filed a petition for respondent Larry Walker's commitment pursuant to 18 U.S.C. § 4248, three days before he was scheduled to be released on parole [D.E. 1]. The filing of the petition stayed Walker's release from custody. 18 U.S.C. § 4248(a). On October 21, 2011, the government filed a notice of voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1), based upon "the United States' ongoing investigation into this case," and because the United States Parole Commission had, on June 24, 2008, "reopened respondent's case and suspended its decision to release respondent on parole" [D.E. 34]. Therefore, the dismissal of the government's commitment petition does not release Walker from custody.

A plaintiff may dismiss an action voluntarily, without an order of the court, by filing a notice of dismissal at any time before service by the adverse party of an answer or a motion for summary judgment. See Fed. R. Civ. P. 41(a)(1)(A)(i). Respondent has not filed an answer or a motion for summary judgment. Thus, the court will allow the voluntary dismissal.

In light of the government's voluntary dismissal [D.E. 34], this action is DISMISSED WITHOUT PREJUDICE. The Clerk of Court is DIRECTED to close the case.

SO ORDERED. This 26 day of October 2011.

JAMES C. DEVER III

Chief United States District Judge